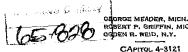
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HENRY S. REUSS, WIS. JOHN S. MONAGAN, CONN. DANTE B. FASCELL, FLA.

EIGHTY-EIGHTH CONGRESS



CAPITOL 4-3121

Congress of the United States

House of Representatives

FOREIGN OPERATIONS AND GOVERNMENT INFORMATION SUBCOMMITTEE OF THE

COMMITTEE ON GOVERNMENT OPERATIONS

HOUSE OFFICE BUILDING ROOM 215, GEORGE WASHINGTON INN WASHINGTON, D.C.

February 12, 1965

Honorable John A. McCone Director Central Intalligence Agency 2430 "E" Street, N. W. Washington 25, D. C.

Dear Sir:

The Foreign Operations and Government Information Subcommittee has been studying the availability of information from Federal departments and agencies for nearly ten years. The studies have indicated that Section 3 of the Administrative Procedure Act of 1946 (5 U.S.C. 1002). though labeled a "public information section", is so burdened with exceptions that, in reality, it has become one of the major authorities on which the Executive Branch relies to control information.

In order to evaluate properly the effect of the public information section since its enactment 18 years ago, the Subcommittee needs answers to the following questions. Inquiries concerning the questions may be addressed to the Foreign Operations and Government Information Subcommittee staff, Code 180, Extension 3741. It would be appreciated if you will inform the Subcommittee of the name and telephone number of the official of your agency with whom liaison can be maintained to help develop comprehensive answers to the questions.

- 1. Generally, to what functions of your agency does 5 U.S.C. 1002 apply? Are there any divisions, bureaus, branches or other constituent units of your agency to which the Section does not apply?
- 2. In what official or unofficial publication, and at what intervals, does your agency publish:
 - a. Descriptions of its central and field organization (see Section 3(a)(1) of the APA);
 - b. Statements of the general course and method by which its functions are channeled and determined (see Section 3(a)(2) of statute);

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- c. Substantive rules adopted as authorized by law (see Section 3(a)(3) of statute);
- d. Statements of general policy or interpretations formulated and adopted by the agency for the guidance of the public (see Section 3 (a)(3) of statute); and
- e. Rules addressed to and served upon named persons in accordance with law (see Section 3(a)(3) of statute?
- 3. Please describe the manner in which your agency publishes, or, in accordance with published rule, makes available to public inspection, all final and interim opinions or orders in the adjudication of cases, pursuant to Section 3(b) of the APA or other authority.
- 4. In what types of cases does your agency refrain from publishing interim and final opinions or orders where, in the opinion of your agency, good cause requires they be held confidential, pursuant to Section 3(b) of the APA or other authority?
- 5. In what circumstances are unpublished opinions and orders cited or used as precedents in other proceedings?
- 6. What is the procedure for making available to the general public the records and files, interpretations and legal opinions of your agency?
- 7. What limitations are placed upon the availability of records and files to the general public, either by statute, rule or practice?
- 8. In what circumstances are private parties dealing with your agency required in any manner to resort to organization or procedure not published in the Federal Register (see Section 3(a) of the APA)?
- 9. In what types of cases has your agency refrained from publishing rules where there is involved any function of the United States requiring secrecy in the public interest, pursuant to Section 3(1) of the APA or other authority?
- 10. In what circumstances has your agency refrained from publishing rules where there is involved any matter relating solely to internal agency management, pursuant to Section 3(2) of the APA or other authority?
- 11. What is your agency's definition of "official record" as used in Section 3(c) of the APA?

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Please provide two copies of every regulation, directive, order, or other document issued by your agency to implement 5 U.S.C. 1002. It is requested that your answers be submitted to the Subcommittee no later than March 15, 1965.

incerely

JOHN E. MOSS

Chairman

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CONGRESS OF THE UNITED STATES

HOUSE OF REPRESENTATIVES

HOUSE OF REPRESENTATION SUBCOMMITTEE

OF THE

COMMITTEE ON GOVERNMENT OPERATIONS

WASHINGTON 25, D.C.

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Central Intelligence A 2430 "E" Street, N. W. Director Washington 25, D. C. Honorable John A. McCone



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See if we can handle informally without a written reply if possible.

John S. Warner